

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JASON J. McDONNELL,

Plaintiff,

v.

JAIL COMMANDER McCARTY, et al.,

Defendants.

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CIVIL ACTION NO.: 1:06-cv-347-MEF

SUPPLEMENTAL SPECIAL REPORT

Comes now, Defendants, in the above-styled cause, pursuant to this Courts Order on Motion requiring a Supplemental Special Report and Answer in response to plaintiff's "Amendment to Complaint" and supplements and amends their Special Report and Answer as previously filed to include the following:

1. After a careful reading of plaintiff's amended complaint and comparing it with the claims asserted in plaintiff's original complaint as filed, it is the defendants' position that plaintiff's "Amendment to Complaint" does not state any additional claims against the defendants that are not already stated in the original complaint.
2. The plaintiff's "Amendment to Complaint" provides additional factual information related to his original due process claim that plaintiff is entitled to an additional "72 hour" hearing.

3. The plaintiff's "Amendment to Complaint" also asserts the plaintiff's legal interpretation and opinion related to Presiding Circuit Judge Lawson Little's interpretation of state law and the Alabama Rules of Criminal Procedure as applied to the facts made the basis of the plaintiff's due process claim made in his original complaint in this case. The plaintiff reasserts in his amended complaint his claim that he has a constitutional right to a second "72 hour" hearing after his re-arrest pursuant to a warrant issued for his failure to appear in state criminal court when his case was set for trial.
4. In response to plaintiff's "Amendment to Complaint," the defendants reassert the defenses and factual information contained in their original Special Report and Answer with exhibits heretofore filed, May 30, 2006, in this case. Said Special Report and Answer is incorporated herein by reference as if fully set forth.
5. With regard to plaintiff's requests for relief styled "What the Plaintiff Would Like the Court to Do" in plaintiff's "Amendment to Complaint," defendants assert that Alabama law and the Twentieth Judicial Circuit Court of the State of Alabama in Houston County, Alabama provide sufficient due process remedies for the allegations made and relief requested by the plaintiff and such remedies are constitutionally adequate.

Respectfully submitted,

SHERRER, JONES & TERRY, P.C.

s/Gary C. Sherrer

GARY C. SHERRER, ATTORNEY FOR
THE ABOVE-REFERENCED DEFENDANTS
Alabama Attorney Code No. SHE-016

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Gary C. Sherrer, do hereby certify that I have served a copy of the foregoing upon Jason J. McDonnell, #56297, c/o The Houston County Jail, 901 East Main Street, Dothan, Alabama 36301, by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 11TH day of July, 2006.

s/Gary C. Sherrer
OF COUNSEL